

Official Amendment
Serial No. 09/943,078
Docket : MIO 0083 PA/40509.162

REMARKS

Claims 2-11, 14-16, 39, and 45-49 are currently pending, all were rejected in the Final Office Action of December 17, 2003.

Statement of the Substance of the Interview

On December 15, 2003, Kristina E. Swanson, on behalf of the Applicant, conducted a telephone interview with the Examiner to determine why claim 11 had not been addressed in the Official Action dated October 17, 2003. Examiner stated it was an oversight on his part and that claim 11 should have been rejected over Tsutsumi. Examiner agreed to send a Supplemental Final Action to the Applicant with the previously omitted claim 11 rejection. Examiner also stated the time period would be re-started in order to give Applicant adequate time to respond to new rejection.

Rejections Under 35 U.S.C. § 102(b)

In the most recent Office Action, claims 5-7, 11, 14-16 and 46, 47, and 49 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tsutsumi. Applicant respectfully traverses this rejection.

Claim 7 recites, in part, a method for fabricating simultaneously a gate area and local interconnect area in a damascene trench in a semiconductor device. A dielectric layer is formed over the base substrate. A gate oxide layer is formed on the base substrate within the gate area of the damascene trench. Conductive material is added to fill the damascene trench. The device is then planed to define a damascene structure where the damascene gate structure and damascene local interconnect structure are electrically coupled by the conductive material within the